

REMARKS

Reconsideration of this application, in view of the foregoing amendment and the following remarks, is respectfully requested.

Claims 1-52 were originally presented for consideration in this application. Claims 1 and 43 have been canceled. Accordingly, claims 2-42 and 44-52 are currently pending in this application.

The following rejections were set forth in the Office Action:

1. Claims 2-4, 13, 14, 17, 18, 30, 31, 33, 36, 38 and 44 stand rejected under 35 USC §102(b) as being anticipated by U.S. Published Application No. 2001/0027890 to Bria et al.;
2. Claim 32 stands rejected under 35 USC §103 as being unpatentable over Bria;
3. Claims 2-4 stand rejected under 35 USC §103(a) as being obvious over U.S. Patent No. 5,788,263 to VanDenberg in view of U.S. Patent No. 3,756,646 to Gimlett, et al.;
4. Claims 13-21, 30-36, 38 and 44 stand rejected under 35 USC §103(a) as being obvious over the VanDenberg reference in view of the Gimlett reference, and further in view of U.S. Patent No. 983,855 to Aton; and
5. Claim 39 stands rejected under 35 USC §103(a) as being obvious over the VanDenberg reference in view of the Gimlett reference, further in view of the Aton reference, and still further in view of U.S. Patent No. 2,370,773 to Bradley.

Regarding the anticipation rejections, please note that independent claim 2 has been amended above to make it clear that the beams are attached to the axle in a

manner preventing rotation of the axle relative to the beams. This feature of the invention is not described by Bria. Instead, the axle 152 of Bria is designed to rotate relative to the swingarm 150. Therefore, the claim is not anticipated by Bria, and the examiner is respectfully requested to withdraw the rejections of claim 2 and its dependents.

Independent claim 30 has been amended above to make it clear that the spindle attached to the composite axle portion permits rotation of a wheel relative to the axle portion. This feature of the invention is not described by Bria. Instead, the axle assembly 149 of Bria is designed to rotate the wheels 8 with the axle 152, and not to permit relative rotation therebetween. Therefore, the claim is not anticipated by Bria, and the examiner is respectfully requested to withdraw the rejections of claim 30 and its dependents.

Regarding the obviousness rejections, the applicants respectfully traverse these rejections. A *prima facie* case of obviousness has not been made out for any of the rejected claims. Since the rejections based in part on the VanDenberg reference are repeated from the previous Office Action, the appellants incorporate herein the arguments submitted in the Appeal Brief traversing these same rejections.

Furthermore, a *prima facie* case of obviousness has not been made out for independent claim 2 or any of its dependents for the additional reason that the above amendment to claim 2 requires that the attachment between the beams and the axle prevents rotation of the axle relative to the beams. The Gimlett and Bria references teach away from this suspension system construction and a person skilled in the art would definitely not be motivated to combine these references with any other reference to produce the claimed invention. Accordingly, for this additional reason, the examiner is respectfully requested to withdraw the obviousness rejections of claim 2 and its dependents.

In addition, a *prima facie* case of obviousness has not been made out for independent claim 30 or any of its dependents for the additional reason that the above

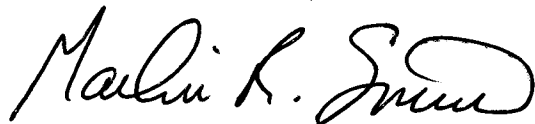
amendment to claim 30 requires that the spindle rotatably mount a wheel to the composite axle portion. The Gimlett reference teaches away from this suspension system construction and a person skilled in the art would definitely not be motivated to combine this reference with any other references to produce the claimed invention. Accordingly, for this additional reason, the examiner is respectfully requested to withdraw the obviousness rejections of claim 30 and its dependents.

The examiner is respectfully requested to consider in this application the claims which were non-elected in response to the requirement for election of species, but which are dependent from allowable claims.

In view of the foregoing amendment and remarks, all of the claims pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of claims 2-42 and 44-52 is therefore earnestly solicited.

The examiner is hereby requested to telephone the undersigned attorney of record at (972) 516-0030 if such would expedite the prosecution of the application.

Respectfully submitted,
SMITH IP SERVICES, P.C.

A handwritten signature in black ink, appearing to read "Marlin R. Smith". The signature is fluid and cursive, with the first name "Marlin" being more prominent than the last name "Smith".

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